UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,024	03/01/2002	Roman Bacik	A386 0003 GNM/bds	8820

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,12,15-21,28,29 and 35_ is/are rejected.

7)☒ Claim(s) _4-14,22-27 and 30-34_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 March 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date: 07/07/03

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

This office action is responsive to communication filed on 03/01/2002. Claimed priority

is granted from foreign Application Filing Date: 09/13/2001.

Information Disclosure Statement

1.   The references listed on the Information Disclosure Statement submitted on

07/08/2003 have been considered by the examiner (see attached PTO-1449A).

Claim Objections

2.   **Claims 4-14, 22-27, and 30-34** are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4. **Claims 1-3, 12, 15-21, 28-29, and 35** are rejected under 35 U.S.C. 103(a) as being

unpatentable over McAllister et al (McAllister) U.S. Patent No. 6,876,625 B1, in view of

Jinzaki (Jinzaki), U.S. Patent No: 6,742,107 B2.

Regarding **Claim 1,** McAllister teaches the invention substantially as claimed. McAllister discloses in details a computer-implemented method for conducting a negotiation comprising an exchange of messages between first and second entities (*fig. 2, items 12-21; fig. 3, items 12-24*), the method comprising:

providing a finite state machine associated with the first entity, the finite state machine having a plurality of states (*column 9, lines 39-67*);

maintaining the finite state machine in one of its states matching a stage of a negotiation between the first and second entities (*column 15, lines 40-64; column 17, lines 45-65*);

at the first entity conducting a negotiation with the second entity by exchanging messages with the second entity(*column 15, lines 40-64; column 17, lines 45-65*); however, McAllister does not specifically teach in details each of the messages comprising an external aspect containing information determined by a current state of the finite state machine and an internal aspect.

In the same field of endeavor, Jinzaki discloses a method in which "...a state transition rewritten according to an instruction external from the finite state machine or a rewrite instruction that dynamically or internally occurs within the finite state machine before or during a data process..." [*see Jinzaki, column 11, lines 6-23*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jinzaki's teachings of a message with an internal aspect and an external aspect, with the teachings of McAllister, for the purpose of "...providing a mechanism that would allow the failure of a

routing component of the same node to be recovered by another routing component of the same node in a manner transparent to all nodes but its immediate neighbours ..." as stated by McAllister in lines 3-7 of column 4. By this rationale **claim 1** is rejected.

Regarding **claim 2**, the combination McAllister- Jinzaki discloses the method of claim 1 comprising receiving at the first entity a message from the second entity, the message comprising an external aspect and an internal aspect and providing the external aspect of the message as input to the finite state machine [*see Jinzaki, column 11, lines 6-23*]. The same motivation that was used for claim 1 is also valid for claim 2 [*see McAllister, column 4, lines 3-7*]. By this rationale, **claim 2** is rejected.

Regarding **claim 3**, the combination McAllister- Jinzaki discloses the method of claim 2 comprising providing the internal aspect of the message to a checker, receiving a result code from the checker and combining the result code with the external aspect of the second message before providing the external aspect of the message as input to the finite state machine [*see Jinzaki, column 11, lines 6-23*]. The same motivation that was used for claim 1 is also valid for claim 3 [*see McAllister, column 4, lines 3-7*]. By this rationale, **claim 3** is rejected.

Regarding **claim 12**, the combination McAllister- Jinzaki discloses the method of claim 2 wherein the first entity comprises a service the negotiation relates to configuration of the service, and the internal aspect of the received message comprises one or more parameters related to configuration of the service [*see Jinzaki, column 11, lines 6-23*]. The same motivation that was used for claim 1 is also valid for claim 12

[*see McAllister, column 4, lines 3-7*]. By this rationale, **claim 12** is rejected. .

Regarding **claim 15**, the combination McAllister- Jinzaki discloses in a computer

system comprising a plurality of entities including first and second entities and one or

more data communication channels by way of which the entities can exchange

messages with one another, a method by way of which the first entity can obtain a

sequence of sets of one or more parameters from the second entity (*fig. 2, 12-21; fig.*

4), the method comprising:

a) providing first and second finite state machine at the first and second entities

respectively, each of the finite state machines having a plurality of states including an

initial state and a final state (*column 9, 39-67; column 10, lines 1-61*);

b) setting a current state of the first finite state machine to the initial state (*column*

9, 39-67; column 10, lines 1-61);

c) generating a message comprising an external aspect and an internal aspect,

the external aspect determined by the current state of the finite state machine, the

internal aspect containing information specifying a next set of required parameters and,

d) sending the message to the second entity [*see Jinzaki, column 11, lines 6-23*]. The

same motivation that was used for claim 1 is also valid for claim 15 [*see McAllister,*

column 4, lines 3-7]. By this rationale, **claim 15** is rejected.

Regarding **claim 16**, the combination McAllister- Jinzaki discloses the method of

claim 15 comprising subsequently receiving at the first entity a response message from

the second entity, the response message comprising an external aspect and an internal

aspect, the external aspect determined by a current state of the second finite state

machine, the internal aspect comprising the next set of required parameters, and

providing the external aspect of the response message as input to the first finite state

machine [*see Jinzaki, column 11, lines 6-23*]. The same motivation that was used for

claim 1 is also valid for claim 16 [*see McAllister, column 4, lines 3-7*]. By this rationale,

claim 16 is rejected.

Regarding **claim 17**, the combination McAllister- Jinzaki discloses the method of

claim 16 comprising passing the internal aspect of the message to a computational part

of the first entity [*see Jinzaki, column 11, lines 6-23*]. The same motivation that was

used for claim 1 is also valid for claim 17 [*see McAllister, column 4, lines 3-7*]. By this

rationale, **claim 17** is rejected.

Regarding **claim 18**, the combination McAllister- Jinzaki discloses the method of

claim 17 comprising receiving a result code from the computational part of the first entity

and combining the result code with the external aspect of the response message before

providing the external aspect of the response message as input to the first finite state

machine [*see Jinzaki, column 11, lines 6-23*]. The same motivation that was used for

claim 1 is also valid for claim 18 [*see McAllister, column 4, lines 3-7*]. By this rationale,

claim 18 is rejected.

Regarding **claim 19**, the combination McAllister- Jinzaki discloses the method of

claim 18 comprising allowing the finite state machine to undergo a transition to a new

current state in response to the provided input and subsequently repeating the steps of

generating and sending a message [*see McAllister, column 11, lines 10-63*]. The same

motivation that was used for claim 1 is also valid for claim 19 [*see McAllister, column 4,*

lines 3-7]. By this rationale, **claim 19** is rejected.

Regarding **claim 20**, the combination McAllister- Jinzaki discloses the method of claim 15 wherein the computer system comprises a computer network, the entities are associated with devices on the computer network [*see McAllister, column 11, lines 10-63*]. The same motivation that was used for claim 1 is also valid for claim 20 [*see McAllister, column 4, lines 3-7*]. By this rationale, **claim 20** is rejected.

Regarding **claim 21**, the combination McAllister- Jinzaki discloses the method of claim 20 comprising, at the first entity, maintaining a cache comprising information identifying other entities on the network wherein, when the current state of the first finite state machine is the initial state, the method comprises identifying another entity on the network as the second entity by making a random selection of the second entity from the cache [*see McAllister, column 11, lines 10-63; column 15, lines 40-64; column 17, lines 45-65*]. The same motivation that was used for claim 1 is also valid for claim 21 [*see McAllister, column 4, lines 3-7*]. By this rationale, **claim 21** is rejected.

Regarding **claim 28**, the combination McAllister- Jinzaki discloses a networkable device comprising a service and a resource allocation component, the resource allocation component comprising a finite state machine having a plurality of possible states including an initial state and a final state [see McAllister, *column 9, 39-67; column 10, lines 1-61*], the resource allocation component configured to make available a resource to the service when the finite state machine is in the final state [see Jinzaki, *column 11, 5-67; column 12, lines 1-24*]. The same motivation that was used for claim 1 is also valid for claim 28 [*see McAllister, column 4, lines 3-7*]. By this rationale, **claim**

28 is rejected.

Regarding **claim 29**, the combination McAllister- Jinzaki discloses the device of

claim 28 wherein the device comprises a configuration object for the resource and

making the resource available to the service comprises enabling access to the

configuration object [see *McAllister, column 21, 26-6*]. The same motivation that was

used for claim 1 is also valid for claim 29 [*see McAllister, column 4, lines 3-7*]. By this

rationale, **claim 29** is rejected. .

Regarding **claim 35**, the combination McAllister- Jinzaki discloses a resource

allocation component for networking a device on a data communication network, the

resource allocation component comprising a service cache and a finite state machine

corresponding to a service of the device, the finite state machine having a plurality of

possible states including an initial state and a final state [see McAllister, *column 9, 39-*

67; column 10, lines 1-61], the resource allocation component moving the finite state

machine to another state upon receiving a message from a corresponding finite state

machine and moving the finite state machine to a final state upon receiving a message

confirming the availability of a resource needed by the service[see Jinzaki, *column 11,*

5-67; column 12, lines 1-24]. The same motivation that was used for claim 1 is also valid

for claim 35 [*see McAllister, column 4, lines 3-7*]. By this rationale, **claim 35** is rejected.

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

May 14, 2005·

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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